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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RICKEY CALHOUN,

9 Plaintiff,

10 v.

11 PETER ROBINSON, *et al.*,

12 Defendants.

Case No. C08-5744 RJB/KLS

ORDER GRANTING LEAVE TO
AMEND COMPLAINT AND
GRANTING DEFENDANTS'
MOTION FOR EXTENSION OF
TIME TO RESPOND TO AMENDED
COMPLAINT

13 This 42 U.S.C. § 1983 civil rights action has been referred to United States Magistrate Judge
14 Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff
15 Rickey Calhoun is a resident at the Special Commitment Center (SCC), who has been granted leave
16 to proceed *in forma pauperis*. Dkt. # 3. Presently before the Court is Defendants' motion for an
17 extension of time to file an answer to Mr. Calhoun's First Amended Complaint.

18 **DISCUSSION**

19 Mr. Calhoun's original complaint was ordered served on the Defendants on January 15,
20 2009. Dkt. # 4. Defendants Kent Ruby, Latoya Holmes, Jamele Anderson and Peter Robinson
21 received notices of the lawsuit beginning February 17, 2009 and timely filed waivers of service of
22 summons. Dkt. # 14, p. 1 (citing Dkts. # 10-13). According to the date designated on the Notices
23 of Lawsuit sent to Defendants, their due date for filing an answer to the original Complaint is
24 March 24, 2009. Dkt. # 14, p. 1.

25 On February 27, 2009, Mr. Calhoun filed a First Amended Complaint. Dkt. # 9.

1 Defendants have no objection to the amended complaint, but seek additional time, until April 14,
2 2009, to file their answers to the Amended Complaint. Dkt. # 14, p. 2.

3 In his response, Mr. Calhoun apologizes for not seeking permission of the Court before
4 filing the amended complaint and explains that his reason for filing an amendment was to clarify his
5 claims and to omit unnecessary claims. Dkt. # 16, p. 2.

6 Pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 15(a), “[a] party may amend
7 the party’s pleading once as a matter of course at any time before a responsive pleading is served.”
8 Otherwise, the party “may amend the party’s pleading only by leave of court or by written consent of
9 the adverse party.” *Id.* Leave to amend “shall be freely given when justice so requires,” and “this
10 policy is to be applied with extreme liberality.” *Id.*; *Morongo Band of Mission Indians v. Rose*, 893
11 F.2d 1074, 1079 (9th Cir. 1990). After a responsive pleading has been filed, “leave to amend should
12 be granted unless amendment would cause prejudice to the opposing party, is sought in bad faith, is
13 futile, or creates undue delay.” *Martinez v. Newport Beach City*, 125 F.3d 777, 786 (9th Cir. 1997).

14 In this case, where no responsive pleading has been filed, Mr. Calhoun may amend his
15 pleading once as a matter of course. Defendants’ request for additional time to respond to the
16 amended complaint is reasonable in the circumstances.

17 Accordingly, it is **ORDERED** that Defendants’ motion for an extension of time (Dkt. # 14)
18 until April 14, 2009 at 5:00 p.m., to respond to Plaintiff’s First Amended Complaint is **GRANTED**.

19 DATED this 19th day of March, 2009.

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22 Karen L. Strombom
23 United States Magistrate Judge
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